IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 34 OF 2004.

Shri Lalemushak Lalasaheb
Kodgnur @ Lalamashak,
presently in custody
at Judicial Lock-up,
Panaji, Goa. .... Applicant.

VERSUS

S T A T E,
Through the Public Prosecutor. .... Respondent.

Mr. S.G. Bhobe, Advocate for the Applicant.

Mr. S.N. Sardessai, Public Prosecutor for the State/ Respondent.

CORAM: P.V. HARDAS, J.

DATE: 5TH FEBRUARY, 2004.

ORAL ORDER:

The Applicant/Accused came to be arrested on 30.12.2003, for an offence punishable under the N.D.P.S. Act, as the Applicant/Accused was found in possession of 12 gms. of brown sugar. The application namely Special Bail Application No.1/2004 filed by the Applicant, before the N.D.P.S. Court, Mapusa came to be rejected by the learned Judge by Order dated 15th January, 2004 on the ground that since the Applicant was stated to be hailing from Sangli the presence of the Applicant would not be secured at the time of trial.

2. The Applicant, undisputedly has been residing in the State of Goa since the last about five years. The Applicant also possesses a ration card issued by the Mamlatdar of Mormugao Taluka. The Applicant has also undertaken that he will reside in the State of Goa and shall not leave the State of Goa without the prior permission of the Trial Court. According to me by imposing of certain strict conditions, the presence of the Applicant can be secured and the apprehension expressed by the prosecution can be allayed.

3. Accordingly the Applicant is released on bail, on his furnishing a Personal Bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the learned Special Judge, N.D.P.S. Court, Mapusa, Goa on the following conditions:-

(i) The Applicant, after his release on every Sunday shall report to the Anti Narcotic Cell, Panaji, at any time between 8.00 to 9.00 a.m. till the filing of the charge sheet.

(ii) After the filing of the charge sheet, the Applicant shall report to the Anti Narcotic Cell, Panaji once a month on the first Sunday at any time between 8.00 to 9.00 a.m. till the conclusion of the

trial.

(iii) The undertaking of the Applicant is accepted that he shall not leave the State of Goa without prior permission of the learned N.D.P.S. Court, Mapusa, Goa.

(iv) The Applicant shall inform the Anti Narcotic Cell, Panaji as well as the N.D.P.S. Court, Mapusa, Goa his permanent address in Goa and in case of any change of address, he shall intimate accordingly.

4. On the above conditions, the Application is allowed.

P.V. HARDAS, J.

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